

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LYLE BREHM, on behalf of Willard F.)
Brehm, Gladys M. Brehm, the Willard F.)
Brehm Revocable Trust and the Gladys)
M. Brehm Revocable Trust, REX)
WELDON, on behalf of Nancy Weldon,)
Robert Clark Weldon and the Robert)
Clark Weldon and Nancy Weldon Trust,)
JILL SCHUNEMAN, on behalf of herself)
and the Jill Schuneman Living Trust,)
and DAVID BUCKLEY, on behalf of)
himself, the Robert L. McKissick)
Irrevocable Trust and the Brenda L.)
Buckley Revocable Trust, collectively on)
behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

REBECCA ENGLE, BRIAN)
SCHUSTER, ENGLE & SCHUSTER)
FINANCIAL, INC., AMERICAN)
CAPITAL CORPORATION, ROYAL)
PALM CAPITAL GROUP, INC.,)
GERALD PARKER, JOHN BOYCE,)
GERALDINE MAGALNICK, and LIANA)
DOBARGANES HARRINGTON, in her)
capacity as sole heir or putative)
personal representative of the estate of)
Patrick Harrington, deceased,)

Defendants.)

8:07CV254

ORDER

This matter is before the court on defendant Geraldine Megalnick's emergency motion to continue the trial in this matter, Filing No. 474. This matter is set for trial on Monday, April 18, 2011. See Filing No. 466, Pretrial Order. The action was stayed with respect to Megalnick by reason of her bankruptcy filing pursuant to 28 U.S.C. §§ 157(d) on December 8, 2010. See Filing No. 450. This action was filed in 2007. See Filing No. 1,

complaint. Magalnick was served on September 7, 2007. Filing No. 59. She filed an answer pro se on September 27, 2007. Filing No. 84. Shortly before she filed for bankruptcy, defendant Megalnick participated in a status conference on November 9, 2010, at which this matter was set for trial on April 18, 2011. See Filing No. 426. Court records in the United States Bankruptcy Court for the Southern District of Florida show that an order granting the class plaintiff's motion for relief from the automatic stay was entered on April 8, 2011. See *In re Geraldine Jessop a/k/a Geraldine Megalnick*, No. 10-45477-PGH (Bankr. S.D. Fla. April 8, 2011). It appears that defendant Megalnick had ample time to prepare for trial between the time the action was filed and the point at which the automatic stay was imposed. Accordingly, the court finds the defendant's emergency motion should be denied.

IT IS HEREBY ORDERED:

1. Defendant Megalnick's emergency motion to continue the trial (Filing No. 474) is denied,
2. This action remains set for trial as the first alternate civil trial on April 18, 2011, and will be heard on April 22, 2011, commencing at 9:00 a.m., in the event a criminal trial commences on April 18, 2011.

DATED this 12th day of April, 2011.

BY THE COURT:

s/Joseph F. Bataillon
UNITED STATES DISTRICT JUDGE